

**State Universities Civil Service System  
Human Resource Directors Advisory Committee  
Agenda**

***April 29, 2011***

- I. Welcome and Introductions
- II. Update on Pilot Program Sub-Committee Activities
- III. Review of recent legislative actions to amend the State Universities Civil Service Act
- IV. Review of proposed rule and procedural changes formally codifying civil service exemptions under 80 Ill. Adm. Code §250
- V. Other System Office Activities
  - Class Plan Update
  - Audit Update
  - Legal Update
- VI. Other Topics

**Example 2.1a**Standard Title: **AGENCY EXECUTIVE DIRECTOR/PRESIDENT****PRIMARY ADMINISTRATIVE POSITION EXEMPTION (36e(2))**◆ ***General Function Statement***

Provide administrative leadership and oversight to an affiliated agency or institution with multiple reporting components in collaboration with the University System. Is responsible for agency-wide functions and for directing activities of affiliated organizations, partnerships, state or federal programs.

◆ ***Organization Relationship***

Organization Board of Directors  
**Executive Director**  
 Directors  
 Associate/Assistant Directors  
 Professional Staff (Coordinators/Specialists/Managers/Analysts)  
 Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion:***◆ ***Typical Responsibilities***

1. Provide executive leadership to develop and administer a comprehensive program and activities to fulfill the role of the office, function, or organization.
2. Interface with Board of Directors and Advisory Committees to direct collaborative efforts between other institutions, organization or projects and programs affiliated with a campus or university. Chair and convene committees and provide leadership and support to Board of Directors and advisory groups.
3. Ensure provisions of contractual agreements between campus/university and relevant outside programs or organization.
4. Oversee financial management, including control of the budget and allocation of resources. Budgets may be large and include major federal or state grants or private funds.
5. Formulate, establish and implement administrative policies applicable to the organizations, or those applicable campus or university-wide.
6. Provide professional expertise and leadership.
7. Provide management reports, analyses, data and information for administrative purposes.
8. Direct the staffing by overseeing recruitment, training, and management of work assigned to professionals and support staff.

**Example 2.1a**

Standard Title: **ASSISTANT VICE PRESIDENT/ ASSISTANT CHANCELLOR/ASSISTANT VICE CHANCELLOR**

**PRIMARY ADMINISTRATIVE POSITION EXEMPTION (36e(2))**

◆ ***General Function Statement***

Performs independent administrative functions and reports to Vice Chancellor/Vice President/Chancellor. Representative independent functions include but are not limited to Academic Affairs, Affirmative Action, Administrative Affairs, Health Affairs, Information Systems Services, Institutional Advancement, Research, or Student Affairs.

◆ ***Organization Relationship***

Chancellor/Vice Chancellor/ Vice President  
Associate Chancellor/Associate Vice Chancellor/Associate Vice President  
**Assistant Chancellor/Assistant Vice Chancellor//Assistant Vice President**

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Oversee designated administrative functions under direction as assigned.
2. Draft policies, procedures, and guidelines.
3. Provide support for major initiatives.
4. Address staffing issues.
5. Prepare ad hoc reports and conduct research.
6. Monitor policy by acting as approving authority.
7. Assume line responsibility for specific administration function(s).

**Example 2.1a**

Standard Title: **ASSOCIATE VICE PRESIDENT/ASSOCIATE VICE CHANCELLOR/ASSOCIATE CHANCELLOR**

**PRIMARY ADMINISTRATIVE POSITION EXEMPTION (36e(2))**

◆ ***General Function Statement***

Performs independent administrative functions and reports to Vice Chancellor/Vice President/Chancellor. Representative independent functions include but are not limited to ~~Academic Affairs~~, Affirmative Action, Administrative Affairs, Health Affairs, Information Systems Services, Institutional Advancement, Research, or Student Affairs.

◆ ***Organization Relationship***

Chancellor/Vice Chancellor/Vice President  
**Associate Chancellor/Associate Vice Chancellor//Associate Vice President**

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Chief advisor to Chancellor/Vice Chancellor/Vice President.
2. Responsible for providing leadership for independent administrative functions as assigned.
3. Responsible for day-to-day operations and management of campus resources and activities as assigned.
4. Responsible for budget and programmatic analysis of assigned units.
5. Establish and maintain necessary control mechanisms for effective management of designated functions.
6. Undertake and carry out studies, analyses and interpretations of plans for assigned functions.
7. Participate in policy development and administration of university and campus policies related to all aspects of described functions.

**Example 3.1a**

Standard Title: **ASSISTANT DIRECTOR**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

◆ ***General Function Statement***

Under administrative supervision, provides support to a director or other executive, serving as a staff advisor and performing professional support tasks.

◆ ***Organization Relationship***

Director/Unit Head or Other Executive/Administrator  
(Associate Director)  
**Assistant Director**  
Professional Staff (Coordinators/Specialists/Managers/Analysts)  
Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Assist in the development and implementation of programs, policies and objectives related to the unit, and assist the director with overall management.
2. Participate in the development of programs, departmental objectives and long-range planning.
3. May be responsible for direct supervision of specific operational areas or functions within the unit.
4. Provide overall leadership on special projects for the director.
5. Serve as an expert in a specific area, providing reports, analyses, information, and recommendations to the director. Provides advice and expertise to campus and university units, interpreting policies of the unit.
6. May be responsible for overall leadership and coordination for program development, or administrative and financial operation of the unit.
7. Act as liaison to campus and university units and assist with evaluation of policies and compliance with them.

**Example 3.1a**

Standard Title: **ASSOCIATE DIRECTOR**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

◆ ***General Function Statement***

Provides primary support to a director or other executive, and may act for and assume full direction for an office or for administrative or operational matters in the absence of the director.

◆ ***Organization Relationship***

Director/Unit Head or other Executive/Administrator  
**Associate Director**  
Assistant Director  
Professional Staff (Coordinators/Specialists/Managers/Analysts)  
Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Serve as primary advisory to the director regarding overall programs, management and operations of the unit, with major program development, supervision and policy-making responsibility.
2. Assist with the management of resources, determination of staff functions, and setting operating policies for the unit. Review and initiate programs and operations that commit office resources, establish policies relating to utilization of office resources.
3. Coordinate and facilitate organizational, financial, programming, and physical planning.
4. Exercise direct authority for development and administration of programs and special projects.
5. May directly supervise sections or divisions of the unit, with responsibility for setting and implementing operational policies and procedures for handling daily administrative matters, such as finances, facilities, and staffing.
6. Provide authoritative, detailed professional and technical knowledge in a relevant field of expertise.
7. Coordinate with unit sections or divisions to develop policy recommendations for the director.
8. Act as liaison to campus and university departments and represent the director on committees.
9. May have primary responsibility for day to day operations of the unit.

## Example 3.1a

Standard Title: **COORDINATOR****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**◆ ***General Function Statement***

~~Under administrative direction, the Coordinator oversees the ongoing procedures of a program, setting priorities and organizational structure. In order to execute the program goals and objectives, the Coordinator organizes the skills of diverse people, and formulates functioning groups to simultaneously assure the program's success.~~

◆ ***Organization Relationship***

~~Assistant Director/Associate Director/Director/Head of Unit or Other Administrator~~  
**Coordinator**  
 Support Staff/Students

◆ ***Request for Exemption under Criterion:***◆ ***Typical Responsibilities***

- ~~1. Administratively responsible for implementing program priorities, setting goals and objectives for subordinates in the ongoing process of a program.~~
- ~~2. Develops systematic approach and maintains efficient and effective daily workflow in an area, and submits reports as assigned.~~
- ~~3. Serves as an integral part of the decision-making process contributing to the goals compatible with the organizations established to implement the mission established by an employing unit or external board.~~
- ~~4. Provides leadership, communicates commitment and sets expectations for staff.~~
- ~~5. Manages human and material resources. Maintains appropriate records. Communicates and follows up on pertinent matters.~~
- ~~6. Serves as a resources person, referral agent and creates links and acts as a liaison to other campus and community groups, expanding internal and external program development.~~
- ~~7. Formulates and recommends policies governing continual evaluation of programs. Recommends and implements changes based on the evaluations. Resolves any existing program problems.~~
- ~~8. Schedules, assigns, and reviews work within the program.~~
- ~~9. Participates in recruiting and selecting of staff members and appraising staff performance.~~

**Example 3.1a**

Standard Title: **DIRECTOR**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

◆ ***General Function Statement***

Provide leadership and oversight of a major function, facility, or program.

◆ ***Organization Relationship***

Campus or University Executive or Administrator  
**Director**  
Associate Director  
Assistant Director  
Professional Staff (Coordinators/Specialists/Managers/Analyst)  
Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Develop and administer a comprehensive program and activities to fulfill the role of the office, function, program or organization.
2. Direct the staffing by overseeing recruitment, training, and management of work assigned to professional and support staff.
3. Oversee financial aspects of unit management, including control of the budget and allocation of resources.
4. Formulate, initiate, implement and interpret policies related to the operation of the unit, as well as policies applicable campus or university-wide.
5. Provide professional expertise and keep current with developments in the profession.
6. Provide management reports, analyses, data and information for administrative purposes.
7. Interface with advisory committees, serve on campus or University committees, communicate and consult with other offices or campus officials when appropriate.



Example 3.1a

Standard Title: **EXECUTIVE ASSISTANT TO PRESIDENT/CHANCELLOR**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

◆ ***General Function Statement***

Provide necessary support for performance of the President's official duties.

◆ ***Organization Relationship***

President/Chancellor  
**Executive Assistant to the President/Chancellor**  
Other Officers

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Represent President/Chancellor in their absence, as requested.
2. Assist in policy development as a member of policy development committee.
3. Act as liaison between President/Chancellor and other officers (campus and/or system), Board of Trustees, legislators and other constituencies.
4. Direct or develop special analysis, background studies, and information resources as directed.
5. Draft speeches, papers, correspondence.
6. Consult with and advise President/Chancellor.

**Example 3.1a**Standard Title: **EXECUTIVE DIRECTOR****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**♦ ***General Function Statement***

Provide administrative leadership and oversight to a major function or program with multiple reporting components within or in collaboration with a University or campus. May be responsible for university-wide functions and may be responsible in addition for directing activities of affiliated organizations, partnerships, state or federal programs in collaboration with a campus or university.

♦ ***Organization Relationship***

Campus/University or Administrator and/or Organization Board of Directors

**Executive Director**

Directors

Associate/Assistant Directors

Professional Staff (Coordinators/Specialists/Managers/Analysts)

Technical, Clerical Support Staff

♦ ***Request for Exemption under Criterion:***♦ ***Typical Responsibilities***

1. Provide executive leadership to develop and administer a comprehensive program and activities to fulfill the role of the office, function, or organization.
2. Interface with Board of Directors and Advisory committees to direct collaborative efforts between other institutions, organization or projects and programs affiliated with a campus or University. Chair and convene committees and provide leadership and support to Board of Directors and advisory groups.
3. Ensure provisions of contractual agreements between campus/university and relevant outside programs or organization.
4. Oversee financial management, including control of the budget and allocation of resources. Budgets may be large and include major federal or state grants or private funds.
5. Formulate, establish and implement administrative policies applicable to the organizations, or those applicable campus or University-wide.
6. Provide professional expertise and leadership.
7. Provide management reports, analyses, data and information for administrative purposes.
8. Direct the staffing by overseeing recruitment, training, and management of work assigned to professionals and support staff.

**Example 3.1a**

Standard Title: **PHYSICIAN**  
**ATTORNEY**  
**ENGINEER**  
**ARCHITECT**

**PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**

- ◆ ***Position Exemption Standard for Certain Professional Titles Listed Under Criterion D Requiring Licensure by the State of Illinois – Department of Professional Regulation.***

- ◆ ***Note***

This standard applies *only* to those professional jobs which *require Licensure by the State of Illinois in a recognized profession*: i.e., Physician, Attorney, Engineer, and Architect. Other Jobs appropriate for exemption under Criterion D may be found under other Standards.

- ◆ ***Request for Exemption under Criterion: D***

Jobs whose primary function is to direct or manage members of the profession in the performance of their duties, and who are also required to possess professional Licensure should be exempted under the Criterion appropriate to the function; e.g., Medical Director of Health Service under Criterion C.

- ◆ ***Typical Responsibilities***

Duties and responsibilities are those appropriate to the recognized profession and the performance of those duties constitute the major amount of time and effort devoted to the job.

## Example 3.1a

Standard Title: **SPECIALIST****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))****◆ General Function Statement**

~~Under administrative direction, performs senior staff/professional level duties that are devoted to a particular activity or specialized area in an employing unit. Responsibilities typically require a depth of knowledge, expertise and skills, normally gained through an advanced course of study in an academic discipline and/or work experience of a variety and depth sufficient to provide a foundation for expert knowledge and ability in a field. Responsibilities may require highly focused advanced technical, scientific, or artistic expertise, or more general intellectual, conceptual, analytical and writing skills utilizing in-depth knowledge of both a discipline and the organization.~~

**◆ Organization Relationship**

~~Assistant Director/Associate Director/Director/Head of Unit or Other Administrator~~  
**Specialist**  
~~Support Staff/Students~~

**◆ Request for Exemption under Criterion:****◆ Typical Responsibilities**

- ~~1. Serve as an authority, provide expertise, and perform highly specialized work assignments in a unique area of specialization.~~
- ~~2. Exercise knowledge and methodology of a profession or specialized field. Keep abreast of relevant legislation, rules, regulations, tools, procedures, technical specifications, and developments in the field. Pursue professional development activities to expand knowledge and maintain currency.~~
- ~~3. Provide specialized services, investigate and trouble-shoot problems.~~
- ~~4. Plan and execute complex projects in field of expertise.~~
- ~~5. Analyze data and information, evaluate and summarize findings.~~
- ~~6. Research, conceptualize, define and communicate ideas and issues; provide insight, recommend action, and pursue solutions to problems.~~
- ~~7. Provide advice and counsel, serving as a "consultant" to other staff members within the unit, campus, or the general public, within the unique area of expertise.~~
- ~~8. Formulate policy based on judgment and expert knowledge of a particular area.~~
- ~~9. Identify and evaluate resources and obtain information relevant to a specialized area.~~
- ~~10. Coordinate working relationships with peers and other appropriate University personnel to achieve defined goals and objectives.~~
- ~~11. May supervise and/or train other staff members or students.~~
- ~~12. Represent the unit on various campus committees or teams related to the specialize area.~~
- ~~13. Act as liaison with other skilled specialists throughout the state and nationwide.~~

**Example 3.1a**Standard Title: **EXECUTIVE ASSISTANT TO****PRINCIPAL ADMINISTRATIVE POSITION EXEMPTION (36e(3))**◆ **General Function Statement**

Provide high-level management support to enable the efficient performance of the official duties of a Senior Administrator, such as the President, Chancellor, Vice President, Vice Chancellor, Associate Chancellor, Provost or a Dean, Executive Director or Head of an academic or administrative unit. Responsibilities require exercising initiative, discretion and independent judgment. An 'Executive Assistant To' differs from an Administrative Assistant or Secretary in that an Executive Assistant To is expected to possess a higher level of expertise in the area in which she/he supports as demonstrated through policy development and project management. Moreover, an 'Executive Assistant To' must possess the ability to act in a decision making capacity on behalf of the Senior Administrator at meetings and in communications as necessary.

◆ **Organization Relationship**

Senior Administrator (President/Chancellor/Vice President/Vice Chancellor/Associate  
Chancellor/Provost/Dean/Executive Director/Head/Chair)

**Executive Assistant To**

Professional Support Staff, Managers  
Technical Support Staff  
Clerical Support Staff

◆ **Request for Exemption under Criterion:**◆ **Typical Responsibilities**

1. Coordinates responsibilities of the Senior Administrator with other offices and staff.
2. Researches and analyzes policy and operational issues, and develops and recommends administrative policies and procedures.
3. Coordinates and implements policy decisions.
4. Originates and prepares routine and special reports and studies.
5. Oversees or conducts special projects, functions as a trouble-shooter.
6. Represents Senior Administrator office/administrator at campus/university committees meetings and correspondence.
7. Consults with and advises the Senior Administrator.
8. Orchestrates administrative support and general management for the unit or program and participates in long-range planning and goal-setting activities.
9. May direct the day-to-day operational requirements of the unit or program, including overseeing various functions under the jurisdiction of the Senior Administrator, such as development, public relations, finance, budgeting, and staffing matters. May supervise middle managers and upper-level supervisory personnel, such as Project Directors or Business Managers.
10. Investigates issues, consults with involved parties, and provides advice regarding various options for action.

**Example 3.1a**

11. Handles a variety of sensitive and confidential assignments and projects on behalf of the Senior Administrator.
12. Consults with and advises senior campus and university officials to determine a course of action.
13. Conceives and administers special programs and projects under the direction of the Senior Administrator.

## Request for Student Appointment Exception

**Definition:** Section 250.70(f)(3) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.70(f)(3)) defines a student employee as one who is registered for course work at an institution served by the University System for at least one-half of the normal course load, as established by the institution, of a regularly enrolled full-time student. Section 250.70(f)(3) of the Code allows for an exception to be granted by the Executive Director if the student is enrolled for less than half-time for a semester when sufficient cause is shown. See section ~~5.1 of the Exemption Procedures Manual~~ ~~2.9 of the Employment and Separation Procedures Manual, Student Appointments.~~

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***Please provide the following information (please print):***

Student's Name \_\_\_\_\_

Institution Requesting Exception \_\_\_\_\_

Employment Location \_\_\_\_\_

Semester of appointment (fall, spring, summer) \_\_\_\_\_

Current hours enrolled \_\_\_\_\_ Date of anticipated graduation \_\_\_\_\_

Has student received any previous exceptions? Please list. \_\_\_\_\_

Justification for exception \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Submitted by: \_\_\_\_\_  
(Designated Employer Representative)

Date: \_\_\_\_\_

[ ] Approved [ ] Denied

\_\_\_\_\_  
Executive Director, or designee

\_\_\_\_\_  
Date

*Note: Attach any supporting documentation.*

Send completed form to: **STATE UNIVERSITIES CIVIL SERVICE SYSTEM, 1717 Philo Road, Suite 24, Urbana, IL 61802-6099**

Form 6.3a

## Principal Administrative Appointment Exemption Request Form

University/Agency: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

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University/Agency Position Title: \_\_\_\_\_

General PAA Exemption Title: (Check one)

- Assistant Director
- Associate Director
- Director
- Executive Assistant To
- Executive Director
- Other Specialized Professional(Physician, Attorney, Engineer, Architect)

*(Please prepare and submit a current position description. See Form 6.3b.)*

**Organizational Chart:** *(Please provide a brief organizational chart showing to whom this position reports as well as the job title(s) of those persons reporting to this position.)*

### Position Requirements and Qualifications:

Education:

Training (Licenses, Programs, Certificates):

Knowledge Requirements:

Experience:



Form 6.3a

**Principal Administrative Appointment  
Exemption Request Form**

Other Information/Requirements:

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Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Institutional Authority –Name/Title)*

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Designated Employer Representative)*

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Executive Director)*

## Position Description Form

University/Agency: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

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University/Agency Position Title: \_\_\_\_\_

Exemption Category: ☐ 36e(2) ☐ 36e(3) ☐ 36e(4)

General Exemption Title: \_\_\_\_\_

Primary Position Function/Summary:

Major Duties & Responsibilities: *(List in descending order of importance)*

**Organizational Chart:** *(Please provide a brief organizational chart showing to whom this position reports as well as the job title(s) of those persons reporting to this position.)*

**Position Requirements and Qualifications:**

Education:

Training (Licenses, Programs, Certificates):

Knowledge Requirements:

Experience:

**Other Information/Requirements:**

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Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Institutional Authority –Name/Title)*

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Designated Employer Representative)*

Form 8.2a

**STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

1717 Philo Road, Suite 24, Urbana, IL 61802-6099

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**POSITION CHANGE**

**PRINCIPAL ADMINISTRATIVE APPOINTMENT (PAA) TO CIVIL SERVICE APPOINTMENT**  
**WAIVER OF QUALIFICATION(S) FOR INCUMBENT**

Place of Employment:

Name, ID, and Department Address of Incumbent:

~~Previous PAA~~ Title of Exempt Position:

Exemption Category: (check one)      36e(2)      36e(3)      36e(4)

New Civil Service Classification:  
(Attach new job description)

I hereby request permission to waive the following minimum qualification(s) as set forth in the class specification:

This request is made in accordance with Section 250.30 of the Code (80 Ill. Adm. Code §250.30). The employee's current position does not meet the criterion for exemption from 36e(3) of the Act (110 ILCS 70/36e(3)); therefore the former ~~exempt PAA~~ position is being converted to a Civil Service position.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Form 8.2a

**STATE UNIVERSITIES CIVIL SERVICE SYSTEM**

1717 Philo Road, Suite 24, Urbana, IL 61802-6099

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I certify that this person is performing the defined duties and responsibilities associated with the Civil Service classification indicated above and will establish standard classification privileges, including seniority and benefit accrual, in accordance with State Universities Civil Service System Act and Code beginning

\_\_\_\_\_.  
(date)

\_\_\_\_\_  
Designated Employer Representative

\_\_\_\_\_  
Date

☐ Approved

☐ Not Approved

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

## EXEMPTION PROCEDURES MANUAL

### State Universities Civil Service System

#### Section 1 – General Overview of Exemption from State Universities Civil Service System

~~(Reference section 36e of the Act (110 ILCS 70/36e))~~  
and  
Section 250.20/250.30 of the Illinois Administrative Code(80 Ill. Adm. Code §250.20/250.30)

#### 1.1 Overview

The State Universities Civil Service Act (Act) (110 ILCS 70/36e) states that all employees shall be covered by the State Universities Civil Service System (University System), except the following persons:

- (1) The members and officers of the Merit Board and the board of trustees, and the commissioners of the institutions and agencies covered hereunder;
- (2) The presidents and vice-presidents of each educational institution;
- (3) Other principal administrative employees of each institution and agency as determined by the Merit Board;
- (4) The teaching, research, and extension faculties of each institution and agency;
- (5) Students employed under rules prescribed by the Merit Board, without examination or certification.

~~This statutory directive is further referenced in sections 250.20 and 250.30 of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.20 and §250.30). As part of its statutory responsibility, the Merit Board has approved criteria that are to be used as guidelines for determining appropriate civil service exemptions under each categorical designation. These criteria were originally drafted in 1972 by members of the Human Resource Directors Advisory Committee and the State Universities Civil Service Advisory Committee and circulated to all the Designated Employer Representatives and members of the University Civil Service Advisory Committee for comment and input. At that time, the Merit Board also approved an Administrative Advisory Committee's resolution recommending that the Merit Board's authority to approve exemptions based on the criteria be delegated to the Executive Director of the University System. The employer would then be allowed to appeal the Executive Director's decisions to the Merit Board. These criteria were expanded in 1975 and 1990.~~ The current criteria for the exemption of positions provides as follows:

#### **CRITERION A (36e(2)):**

- (1) Whose primary duty is administrative management of a Campus or Agency division or like unit, and who reports to the Chief Executive Officer of the Campus or Agency; or
- (2) Who performs an independent administrative function and reports to the Chief Executive Officer, President, Vice-President, Chancellor, Vice Chancellor or Provost of the Campus or Agency

**OR**

## EXEMPTION PROCEDURES MANUAL State Universities Civil Service System

### Section 1 – General Overview of Exemption from State Universities Civil Service System

~~(Reference section 36e of the Act (110 ILCS 70/36e))~~  
and  
Section 250.20/250.30 of the Illinois Administrative Code(80 Ill. Adm. Code §250.20/250.30)

#### **CRITERION B (36e(4)):**

- (1) Whose primary responsibility is the administration of an entire campus academic program, or other academic unit engaged in academic instruction or research (e.g., Provost, Associate Provost, Assistant Provost, Dean, Associate and Assistant Dean, Department Head, Associate and Assistant Department Head.

**OR**

#### **CRITERION C (36e(3)):**

- (1) Who is charged with high level administrative responsibilities and whose decisions are based on administrative policies; and
- (2) Who performs these duties with only general administrative supervision or direction and who exercises discretion and independent judgment (e.g., Director, Associate or Assistant Director)

**OR**

#### **CRITERION D (36e(3)):**

- (1) Who is in a position requiring a knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study (as distinguished from a general academic education) and which requires the consistent exercise of discretion and judgment (e.g., physician, attorney, engineer, architect, ~~archeologist, physicist, biochemist~~)

~~In 1997 and in 1998, in accordance with section 250.30(a) of the Code, exemptions under section 36e(3) of the Act shall be by position, and approved by the Merit Board. When approved by the Merit Board, a position shall remain exempt until such exemption is terminated by the Merit Board. The Merit Board's authority to approve exemptions based on these defined criteria has been operationally delegated to the Executive Director of the University System.~~

Exemption status is determined primarily by a thorough and comprehensive review of the position description. It is therefore extremely important that employers maintain an updated, accurate and complete position description for all positions. A routine and regular position review program is necessary in order to properly assign classification designations and accurately validate exemption status.

~~The Merit Board approved position standards that would allow the employer to exempt positions from civil service without prior approval from the Executive Director if the position description fits~~

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## EXEMPTION PROCEDURES MANUAL State Universities Civil Service System

### Section 1 – General Overview of Exemption from State Universities Civil Service System

~~(Reference section 36e of the Act (110 ILCS 70/36e))~~  
and  
Section 250.20/250.30 of the Illinois Administrative Code(80 Ill. Adm. Code §250.20/250.30)

~~within the defined position standard.~~ This exemption process ~~is/would be~~ subject to audit by the University System office.

The following sections contain the guidelines and ~~protocol~~criteria to be used in properly validating and designating those positions, and employees in those positions, as exempt from State Universities Civil Service System coverage, as categorically defined above. It is important to note that a significant amount of attention and careful consideration was taken to insure that these standards most accurately reflect and preserve the historical intentions of related statutory provisions and Merit Board actions.

~~Exemption status is determined primarily by a thorough and comprehensive review of the position description. It is therefore extremely important that employers maintain an updated, accurate and complete position description for all positions. A routine and regular position review program is necessary in order to properly assign classification designations and accurately validate exemption status.~~

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When the standards for each exemption category was established, appropriate attention was given to insure that the examples and types of positions listed were consistent with statutory intention and Merit Board actions. At the same time, the examples and types of positions listed remain broad enough to hopefully encompass future positions that would be appropriate for designation under each category.

Within any complex classification plan, there are instances of overlap in position specifications, assigned duties, and responsibilities. ***However, there was never any intent to permit or condone the conversion of traditional civil service positions to exempt status by virtue of the fact that the positions may appear to correspond to the general definitions of positions contained in these exemption categories. If a position description matches the specifications for any civil service classification, the position must be designated as civil service.***

Section 2 – Primary Administrator Exemptions  
(President, Chancellor, Agency Executive Director)

*(Reference section 36e(2) of the Act (110 ILCS 70/36e(2))*

**2.1 PRIMARY ADMINISTRATOR APPOINTMENTS**

Top-level, primary administrator appointments are considered exempt from civil service guidelines in accordance with the State Universities Civil Service Act, Section 36(e)(2). In general, these positions are typically given the final campus/agency decision-making and oversight authority by their Board of Trustees, or other Governing Body. Those directly affiliated positions that are assigned to manage and support any aspect of the primary campus/agency decision making and oversight authority may also be considered exempt in accordance with this procedure. Some common titles associated with this type of exemption include, but are not limited to, the following:

President  
Chancellor  
Agency Executive Director/President  
Vice President  
Vice Chancellor  
Associate Vice President  
Associate Vice Chancellor  
Assistant Vice President  
Assistant Vice Chancellor

The general function of these appointments should be easily discernable and includes the primary leadership and administrative authority over the entire university/agency, or primary unit thereof. Representative independent functions may include primary oversight authority over operational areas such as ~~Academic Affairs~~, Affirmative Action/Diversity Resources, Administrative Affairs, Finance and Planning, Health Services, Information Systems, Institutional Advancement, Research, or Student Affairs.

It is recommended that position descriptions be properly developed and maintained in order to establish the proper administrative authority assigned to each position, and validate the exemption authorization recognized under this statutory reference. ~~Some~~A sample position description~~s~~ for this type of appointment and exemption follows.

See 2.1a for examples of 36e(2) titles and corresponding position standards.



### Section 3 – Principal Administrative Appointments

(Reference section 36e(3) of the Act (110 ILCS 70/36e(3))

#### 3.1 PRINCIPAL ADMINISTRATIVE APPOINTMENTS

Principal Administrative Appointments (PAA) are considered exempt from civil service guidelines in accordance with section 36e(3) of the Act. A PAA is defined as an employee who is charged with high level administrative responsibilities, whose decisions are based on administrative policies and who exercises discretion and independent judgment. A PAA performs these duties with only general administrative supervision or direction, e.g. Director, Associate or Assistant Director. In addition, a PAA can be defined as an employee who is in a position requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study (as distinguished from a general academic education) and which requires the consistent exercise of discretion and judgment, e.g., physician, attorney, engineer, architect.

The Act specifically provides that the Merit Board has the authority to determine PAAs at each institution or agency. Section 250.30(a) of the Code further defines the Merit Board's responsibility in this regard, which provides, in part, "Exemptions under Section 36e(3) of the Statute shall be by position. When approved by the Merit Board, a position shall remain exempt until such exemption is terminated by the Merit Board. The [Executive Director](#) shall publish guidelines for such exemptions, as approved by the Merit Board." The Merit Board's authority to approve exemptions based on these guidelines has been operationally delegated to the Executive Director of the University System. See Procedure 6.3 and Form 6.3a.

Accordingly, position standards have been developed for a number of frequently used general titles assigned to these [approved](#) PAAs. These position standards function in a similar manner to civil service classification specifications. Job duties and responsibilities, as contained in the PAA position description, are analyzed and assigned to a general PAA title if they match the primary functions and major duties and responsibilities identified in the position standards.

When the position standards for these general PAA titles were developed, great care was taken to insure that they accurately described the types of work and responsibility assigned to each general PAA title previously, while at the same time, remaining broad enough to encompass future positions that may be appropriate under each general PAA title. As in any classification plan, there may be some overlap between current civil service classification specifications and the position standards under certain general PAA titles. ***It is important to remember that there was never any intent to permit or condone the conversion of traditional civil service jobs to exempt status merely by virtue of the fact that the position duties and responsibilities may appear to correspond to the general function statement of any PAA title. The prominence of position duties and responsibilities must directly correspond to the position standards contained in the general PAA title used in order to validate the exemption.***

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## EXEMPTION PROCEDURES MANUAL

### State Universities Civil Service System

#### Section 3 – Principal Administrative Appointments

*(Reference section 36e(3) of the Act (110 ILCS 70/36e(3))*

Any position to be exempted from civil service under section 36e(3) of the Act ~~must that may~~ be appropriately assigned to one of these general PAA titles ~~and approved by may be exempted without prior approval from~~ the University System office. Exemption authorization is determined primarily by a thorough and comprehensive review of the position description. It is therefore extremely important that employers maintain an updated, accurate and complete position description for all exempt positions. A routine and regular position review program is necessary in order to properly assign classification designations and accurately validate exemption status. ~~Additionally~~ However, all PAA positions are subject to audit by the Audit and Advisory Services of the University System office and possible Merit Board review.

Employers must categorize each PAA under one of the available general PAA titles. Likewise, the use of a 'working title' for each PAA position, to further compliment the general PAA title, is encouraged and may assist in a more detailed position identification and distinction.

See 3.1a for examples of approved 36e(3) general PAA titles and corresponding position standards.

Following are the approved 36e(3) general PAA position titles:

Assistant Director

~~Assistant To~~

Associate Director

~~Coordinator~~

Director

Executive Assistant to ~~President/Chancellor~~

Executive Director

Other Specialized Professional (Physician, Attorney, Engineer, Architect)

~~Specialist~~

## Section 4 – Teaching, Research, and Extension Faculty Exemptions

*(Reference section 36e(4) of the Act (110 ILCS 70/36(e)(4))*

### 4.1 **TEACHING, RESEARCH, AND EXTENSION FACULTY APPOINTMENTS**

Teaching, research, and extension faculties are considered exempt from civil service guidelines in accordance with the section 36e(4) of the Act (110 ILCS 70/36e(4)). Likewise, those positions with primary administrative or supervisory responsibility of an entire campus academic program, a specific academic unit engaged in academic instruction or research, or ~~for~~ a group of employees falling within this exemption category, are considered exempt in accordance with this standard. In general, these positions have direct academic or affiliated research components and are easily distinguished by these assignments and professional designations.

Experience has shown that while a number of positions reasonably appear to fall within the Criteria for Exemption from civil service, it is often unclear whether section 36e(3) of the Act (110 ILCS 70/36e(3)), “principal administrative employees . . . as determined by the Merit Board”, or section 36e(4) of the Act, “the teaching, research and extension faculties of each institution and agency”, is the appropriate exemption. Positions exempted under section 36e(4) of the Act are a matter of internal governance between a particular institution and its governing board, based on established employment protocols. These positions are not subject to any Merit Board authorization process, but are subject to Merit Board audit procedures.

It is recommended that position descriptions be properly developed and maintained in order to establish the proper academic component assigned to each position and validate the exemption authorization recognized under this statutory reference. See 4.1a for examples of 36e(4) titles and corresponding position standards.

In attempting to provide some guidance as to the types of positions that are more appropriately exempted under section 36e(4) of the Act as opposed to Section 36e(3) of the Act, the following brief discussion regarding the application of each type of employment category enumerated in the Act under section 36e(4) [teaching, research, and extension faculties] is offered:

***Positions in each of the following categories all require, at a minimum, a bachelor’s degree.***

#### **Teaching**

These positions include those who provide direct classroom instruction to the institution’s students as their primary function, most specifically related to the normal academic curricula. This activity, however, is not specifically limited to those members of the tenure-track faculty (Professor, Associate Professor, and Assistant Professor), but also extends to those positions who provide direct instructional support, or academic/career planning/counseling to students as their primary function. Likewise, those positions with primary administrative or supervisory responsibility for a group of employees falling within this category are considered exempt in accordance with this standard.

Section 4 – Teaching, Research, and Extension Faculty Exemptions

*(Reference section 36e(4) of the Act (110 ILCS 70/36(e)(4))*

Some common titles associated with this category include, but are not limited to, the following:

Provost  
Associate Provost  
Assistant Provost  
College Dean  
Department Chair/Head  
Assistant Dean  
Associate Dean  
Assistant Department Chair/Head  
Associate Department Chair/Head  
Professor  
Associate Professor  
Assistant Professor  
Instructor  
Lecturer  
Academic/Career Counselor  
Athletic Coach – Head, Associate, or Assistant  
Academic Coordinators – for various pre-professional and professional programs directly related to the primary academic curricula

**Research**

This category applies to individuals primarily engaged in research activities, normally under the direct oversight of an academic department or college and are frequently funded by outside sources. Research in this context is not necessarily limited to the laboratory work typical of the physical sciences, but may also include field historical research, linguistic studies, archaeology, etc. Such appointments may be members of the regular tenure-track faculty, but academic rank is not a prerequisite to inclusion of a particular position in this category. Likewise, those positions with primary administrative or supervisory responsibility for a group of employees falling within this category are considered exempt in accordance with this standard.

It is important to note that the specific research attachment does not automatically exempt a position from civil service regulations. In many instances, support positions whose primary function(s) can be matched to civil service classification specifications must remain civil service despite their attachment to a research program and/or funding component.

Some common titles associated with this category include, but are not limited to, the following:

Professor  
Associate Professor

Section 4 – Teaching, Research, and Extension Faculty Exemptions

*(Reference section 36e(4) of the Act (110 ILCS 70/36(e)(4))*

Assistant Professor  
Research Associate  
Research Coordinator  
Archeologist

**Extension Faculty**

This category applies to the additional instructional positions created to provide both credit and non-credit instructional programs offered by the institution, usually outside of the normal academic curricula. The non-credit component includes instructional programs offered both on and off of the primary campus of the institution. Adult Education and Continuing Education are terms frequently used to describe these programs, which may be offered in community facilities, extension institute centers, and a variety of other settings. The instructional staff of such programs may be employed solely for the duration of the specific course(s) being offered, based on professional “real world” experience in a particular profession or industry, or may be subject-matter specialists who are employed as regular academic staff members at another educational institution. Also included are those persons with functional responsibility for a group of employees falling within this exemption category.

Some common titles associated with this category include, but are not limited to, the following:

Extension Faculty  
Institute Instructors  
Seminar Teachers  
Adult Education Instructors  
Adult Education Course Coordinators  
Motor Cycle Safety Instructors

## EXEMPTION PROCEDURES MANUAL

### State Universities Civil Service System

#### Section 6 – Accountability for Exemption Authorization

(Reference section 36e(3) of the Act (110 ILCS 70/36e(3))

##### 6.1 ACCOUNTABILITY

Although the Merit Board retains the statutory authority to approve exemptions, most specifically 36e(3) Principal Administrative Appointments (PAA), this authority has been procedurally and operationally delegated to the Executive Director~~Designated Employer Representative (DER)~~appointed at each University System employer. As a result of the delegation of exemption authority ~~to DERs~~, the Executive Director of the University System is responsible for establishing procedures to ensure~~ing~~ compliance with statutory and procedural guidelines in this respect, as required by section 250.130(a) of the Code. Accountability for or the delegated~~exemption authorization~~ includes three components, an internal review by the University System employer that includes a quarterly report submitted by each University System employer to the Executive Director, an authorization process and external review by the University System office that includes a biennial audit process, and Merit Board review and corrective or remedial action, if necessary.

The concept of accountability as captured in this accountability procedure is not intended to add another layer of process or procedure requirements for University System employers. Each University ~~S~~ystem employer must be able to design its exemption request and management process to fit its unique circumstances. Accordingly, current campus exemption procedures, designed and implemented by University System employers intending to ensure compliance with statutory exemption authority, will be deemed to be in compliance with this procedure.

Consequently, the role of the University System office is one of oversight through specific approval of positions, compliance audits and review of data through quarterly reports submitted by each University System employer. ***Regardless of the delegation of exemption authority, the basic statutory foundation for all employees in the University System is that they are assumed civil service unless exempted by statute.***

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## Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e(3))*

### 6.2 INTERNAL REVIEW

Accountability for exemption authorization consists of the following components:

**Internal Review Process** – an internal position review process that will ensure efficient management of the exempt position descriptions, and proper submission/authorization for exemption approval when necessary~~authorization process~~. This should include a detailed description of the internal oversight, training, review/submission and approval, and recordkeeping components of the employer's exemption process. The internal review process must indicate that, as required, exemption requests are to be reviewed and approved by the Executive Director for Principal Administrative Appointments (PAAs). ~~DER, or by Other exemptions may to be reviewed and approved by the DER, or~~ another delegated position with the appropriate authority provided such delegation is in writing.

**Training Process** – training for those human resource professionals who are responsible for implementing the employer's exemption authorization process. This should include training for any administrators or employees who will either prepare ~~or approve~~ exemption requests to be submitted for approval by the Executive Director, or otherwise for employer approval.

**Internal Assessment Process** – a cyclic review program wherein all exempt positions are reviewed by the employer for currency of job content and title no less often than once every three years. Job changes of exempted positions discovered as a result of this review should be corrected immediately, and submitted for subsequent approval to the Executive Director (36e(3)), or otherwise for employer approval. However, any job change that requires a change in the employment relationship and ~~would~~ interfere with a contractual relationship may be delayed ~~would not take effect~~ until the expiration of the contractual term and prior to the contractual renewal date.

**Data Report** – a database of exempted positions consisting of position number, position title, exemption category, position FTE, exemption approval date or appointment date, funding source (appropriated or non-appropriated), and any prior Civil Service position title and date of Civil Service appointment. The data report need not duplicate other human resource reports that are submitted to the University System office that may contain the same information. Employers are also required to submit a quarterly headcount report (see *Example 7.1*) to the Executive Director of the University System office along with a detailed data snapshot of exemptions as described above.

## EXEMPTION PROCEDURES MANUAL State Universities Civil Service System

### Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

#### 6.3 **SYSTEM OFFICE REVIEW**

In accordance with regulatory guidelines, the Executive Director of the University System shall review and approve all positions exempt under section 36e(3) of the Act prior to its use. Employers must submit a completed Form 6.3g to the University System office for approval. Once a position has been approved for exemption, that position may be used until such exemption is terminated or a subsequent authorization has been obtained due to position description changes. Any significant change in the position description shall require an additional review and approval by the Executive Director.

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The Audit and Advisory Services division of the University System office will also audit selected exempt positions as a regular part of their biennial audit of each University System employer. Their audit testing analysis will compare the duties contained in the position description, and performed by employees in the selected positions, against the specifications contained in the Standard Job Titles and other available classifications in the civil service classification plan system. If it is noted that significant changes have occurred in job content, suggesting a revision to the position description and corresponding employment designation, the University System employer will be requested to make appropriate corrections as described in the audit findings.

As a means of helping insure the maintenance of position changes, University System employers shall establish and implement a cyclic review program wherein position descriptions for all exempt positions are reviewed by the University System employer for currency of job content and title *no less often than once every three years*. Exemption status changes -discovered as a result of this review shall promptly be corrected, and with subsequent review and approval as necessary, reported to the University System Office.

In this respect, biennial compliance audits of University System employers will include, but not be limited to;

- Comprehensive review of position descriptions
- Compliance with statutory and procedural criteria for exemptions
- Adequacy and thoroughness of related employment procedures
- Adequacy of internal review and approval processes
- Thoroughness and accuracy of quarterly reporting requirements
- Any other associated special interest items

The University System office will provide training and advice on exemption issues and questions as requested.



EXEMPTION PROCEDURES MANUAL  
State Universities Civil Service System

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

In order to assist the Audit and Advisory Services Section of the University System office in their periodic reviews of exempt positions, employers are encouraged to utilize the following Position Description form, see Form 6.3~~ba~~.

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**6.4 MERIT BOARD REVIEW**

Attempts to reconcile compliance issues will always be approached by the University System office and the Merit Board in a spirit of collaboration. An employer's self-disclosure of possible noncompliance issues and good faith effort to take corrective or remedial action will not be used as a basis for any punitive action by the University System office or the Merit Board.

Upon the recommendation of the Executive Director, or upon its own initiative, the Merit Board may review noncompliance issues revealed through the exemption authorization process, the biennial ~~compliance employer~~ audits and quarterly exemption reports. The University System office and/or Merit Board review of exemption concerns may include any action as deemed necessary to properly evaluate and reconcile the issue(s).

Section 6 – Accountability for Exemption Authorization

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**6.5 REMEDIAL PROCESS**

Upon the recommendation of the Executive Director of the University System office, or upon its own initiative, the Merit Board may take any necessary corrective or remedial action in an attempt to resolve incorrect exemption authorization issues revealed through biennial employer audits and/or quarterly exemption reports. Such corrective or remedial action may take any specific form, as designated by the Merit Board, and will be based on the pattern of severity and history of the noncompliance issue(s). However, no remedial action that would result in inference with an employment contract will be required during the term of the contract. Consequently, remedial action concerning a contractual employee would only take effect at the expiration of the contractual term and prior to the contractual renewal date.

Pursuant to the Act and Code, the Merit Board may delegate its remedial authority to the Executive Director in whole or in part. Section 36d(1) of the Act authorizes the Merit Board to approve a classification plan and delegate to the Executive Director the responsibility of assigning civil service positions to the appropriate classification (see 110 ILCS 70/36d(1)). The Executive Director is also charged with the responsibility to review and approve Principal Administrative Appointments, conduct audits of system employers to ensure compliance with all provisions of the Act and Code, and to contend with issues revealed through audit reports as directed by the Merit Board (see 80 Ill. Adm. Code §250.140(c)). Section 250.140(a) of the Code further provides that the Executive Director has all the authority required to implement the Act and Code and that the Merit Board may delegate any of its authority to the Executive Director by specific authorization of the Merit Board (see 80 Ill. Adm. Code §250.140(a)).

## EXEMPTION PROCEDURES MANUAL

### State Universities Civil Service System

#### Section 7 – Quarterly Reporting Requirements

(Reference section 36e of the Act (110 ILCS 70/36e))

##### 7.1 REPORTING REQUIREMENTS

###### a. Quarterly Employee Change Report

This report shall be due no later than the 10<sup>th</sup> working day following the last working day of each quarter (September, December, March, and June) and shall include the following for each employee changed from civil service status to exempt status (see Form 7.1a):

- ◆ Employee's Name
- ◆ Date of Change
- ◆ Civil Service Class
- ◆ Department/Unit
- ◆ Exemption Title
- ◆ Exemption Category\*
- ◆ Department/Unit
- ◆ Reason for Change
- ◆ Status of "old" civil service position (filled/abolished/remains vacant)
- ◆ If position was filled, new employee's name and start date

###### b. Quarterly Report of Exempt Employees

This report shall be due no later than the 10<sup>th</sup> working day following the last working day of each quarter (September, December, March, and June) and shall include the following for both state funded and non-state funded positions (see Form 7.1b):

- ◆ Number of employees assigned to each 36e(3) general PAA~~Position Standard~~ Title
- ◆ Number of employees considered exempt under Section 36e(2)\*
- ◆ Number of employees considered exempt under Section 36e(4)\*
- ◆ Grand Total of all exempt employees under Section 36e (2), (3), and (4)\*

###### c. Quarterly Data Report

This report shall be due no later than the 10<sup>th</sup> working day following the last working day of each quarter (September, December, March, and June) and shall include the following for each exempt position:

- ◆ Name or other ID
- ◆ position number\*
- ◆ position title
- ◆ exemption category\*

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EXEMPTION PROCEDURES MANUAL  
State Universities Civil Service System

Section 7 – Quarterly Reporting Requirements

*(Reference section 36e of the Act (110 ILCS 70/36e))*

- ◆ position FTE\*
- ◆ exemption approval date or appointment date
- ◆ funding source(appropriated or non-appropriated)
- ◆ and any prior Civil Service position title and date of Civil Service appointment.

-The data report need not duplicate other human resource reports that are submitted to the University System office.

~~*\*These new data elements will not be required until such time that a joint review of all currently submitted data reports has been conducted with all employers, and a formalized IT reporting protocol has been established and approved by the Merit Board.*~~

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Section 8 – Other Related Actions

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**8.2 CHANGING AN EXEMPT POSITION TO A CIVIL SERVICE POSITION**

Periodic job description review and update procedures may indicate that a position originally identified as civil service exempt may have incorrectly been classified or may have changed to the point whereby a department now must convert this position, and any employee currently in this position, to an identified and appropriate Civil Service classification. The following procedure will assist each employer in converting positions, and any employee currently occupying these positions, from an exempt position to a Civil Service position.

When it has been determined and established that the job responsibilities and duties of a position do not meet the criteria for ~~a-36(e)~~ exemption, the employer may or may be required to change the position from an exempt position to an appropriate Civil Service appointment in a recognized classification, in accordance with the following process.

a. Establishment of Appropriate Civil Service Position

1. The employer will determine the appropriate Civil Service classification based on the defined duties and responsibilities associated with the position.
2. The employer will then establish a pay rate or range for the classification, if one has not already been established. *(Note: The classification of positions remains subject to audit review by the University System office.)*
3. The position will then be officially changed to reflect the appropriate Civil Service classification and all relevant employment protocols will be followed when filling any future vacancy in this position.

b. Transition of an exempt incumbent into a Civil Service Position

1. After converting the exempt position to a Civil Service position, any incumbent in the former exempt position will be officially moved to the designated Civil Service classification assigned to the converted position. At the time of this action, the employer is required to cite this procedure on the *Notice of Employment*.
2. If the incumbent does not meet the minimum acceptable qualifications of the Civil Service classification assigned to the converted position, a Position Change Principal Administrative Appointment to Civil Service Appointment Waiver of Qualification(s) for Incumbent Form must be completed and must be approved by the Executive Director. See Form 8.2a. The incumbent will not be required to complete a Civil Service examination for the designated classification provided they meet the minimum acceptable qualifications or have obtained the approved waiver form.

Section 8 – Other Related Actions

*(Reference section 36e of the Act (110 ILCS 70/36e))*

3. The incumbent will be required to complete a probationary period associated with the designated Civil Service classification/position. Time served in the previous exempt position will count towards the completion of the probationary period. Some specific examples follow:

*Example 1: An employee was hired in an exempt position and has served 4 months in the position. It is determined that the position should be a Civil Service classification of Human Resource Associate which has a 12-month probationary period. Upon changing the position from exempt status to Civil Service, the employee would be required to complete the 'remaining' 8 months of the 12-month probationary period.*

*Example 2: An employee was hired as in an exempt position and has served 14 months in the position. It is determined that the position should be a Civil Service classification of Human Resource Associate which has a 12-month probationary period. Upon converting the position from exempt status to Civil Service, the employee would not be required to complete any additional probationary period.*

4. Seniority is accrued from the date that it can reasonably be determined that the position description met the criteria (duties/responsibilities) of a Civil Service classification. This date can be determined based upon a historical evaluation of the job description for the position. In cases where there has been no significant change in the job description, seniority is accrued from the date of employment into the exempt position.
5. Upon change to the Civil Service position, the employee will also begin accruing other benefits at a rate based on their length of service with the State of Illinois.

**Example 4.1a**

Standard Title: **ARCHEOLOGIST**

**ACADEMIC/RESEARCH POSITION EXEMPTION (36e(4))**

◆ ***General Function Statement***

Archeologists conduct field and laboratory investigations, make independent determinations of the significance of archeological sites, and develop recommendations for testing and salvage mitigation involving expenditure of public and private funds.

◆ ***Organization Relationship***

Director, Unit Head or Other Executive/Administrator  
Associate Director/Assistant Director  
**Archeologist**  
Technical, Clerical Support Staff

◆ ***Request for Exemption under Criterion: D***

◆ ***Typical Responsibilities***

1. Conduct archeological investigations and make determinations of the significance of archeological resources in areas to be impacted by development projects.
2. Recommend additional mitigation, curation of materials and records, library and archeological records research.
3. Formulate test excavations and evaluate material recovered from excavation sites to provide information upon which to evaluate site significance.
4. Determine whether or not further work is required which involves the expenditure of public or private funds.
5. May serve in leadership capacity; e.g., Senior Archeologist, functioning as a project director, with responsibility for supervision of lower-level Archeologist.



**Example 4.1a**

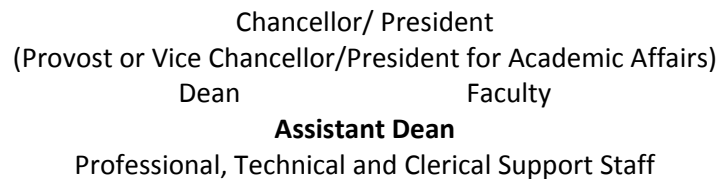
Standard Title: **ASSISTANT DEAN**

**ACADEMIC/RESEARCH POSITION EXEMPTION (36e(4))**

◆ ***General Function Statement***

The Assistant Dean provides administrative support of a dean or associate dean, and may direct the operations of an office or program within the unit. The Assistant Dean may be responsible for a wide range of support services or may focus on a specialized area. The Assistant Dean provides leadership and exercises independent judgment.

◆ ***Organization Relationship***



◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Administrative affairs, such as assisting in general administrative planning and resource allocation; providing administrative assistance to the dean; overseeing financial and business services, financial management, budget preparation, control of funds; overseeing personnel, space, and equipment management and operational policies and procedures; developing annual and ad hoc reports, maintaining data base and providing expertise, analysis and interpretation of studies and data to develop and establish policy; representing the office on standing or selected ad hoc committees.
2. Academic affairs, such as implementing academic policy; overseeing the curriculum; assisting with accreditation review documentation; coordinating with other units; managing course catalogs, timetables, examination schedules; preparing program proposals for the IBHE or the Vice Chancellor/President for Academic Affairs; providing leadership for continuing education programs, workshops, seminars. May teach and pursue independent scholarly research.
3. Research activities, such as overseeing contracts and grants review, negotiation and approval; coordination of interdisciplinary research programs; integrating research programs with academic programs.
4. Student services, such as monitoring student progress, enforcing academic standards, reviewing petitions, and appeals; providing academic counseling and remedial programs; overseeing placement programs for residencies, fellowships, and internships with affiliated institutions; directing career placement and graduate placement services; acting as advocate for student concerns and needs with the faculty and administration.
5. External affairs and development, such as acting as liaison with outside agencies and industry; developing outreach efforts, special projects, conferences; preparing brochures and

**Example 4.1a**

publications representing the academic unit; responsibility for alumni relations and annual fund raising efforts.

**Example 4.1a**

Standard Title: **ASSISTANT DEPARTMENT HEAD/CHAIR**

**ACADEMIC/RESEARCH POSITION EXEMPTION (36e(4))**

◆ **General Function Statement**

Under administrative supervision, provides support to a department head/chair, serving as a staff advisor and performing professional support tasks.

◆ **Organization Relationship**

Department Head/Chair                  Faculty  
(Associate Department Head/Chair)  
**Assistant Department Head/Chair**  
Professional, Technical, and Clerical Support Staff

◆ **Request for Exemption under Criterion:**

◆ **Typical Responsibilities**

1. Assist in the development and implementation of programs, policies and objectives related to the unit, and assist the department head/chair with overall management.
2. Participate in the development of programs, departmental objectives and long-range planning.
3. May be responsible for direct supervision of specific operational areas or functions within the unit.
4. Provide overall leadership on special projects for the department head/chair.
5. Serve as an expert in a specific area, providing reports, analyses, information, and recommendations to the department head/chair. Provides advice and expertise to campus and university units, interpreting policies of the unit.
6. May be responsible for overall leadership and coordination for program development, or administrative and financial operation of the unit.
7. Act as liaison to campus and university units and assist with evaluation of policies and compliance with them.

**Example 4.1a**

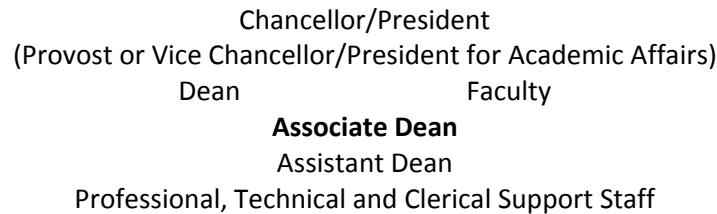
Standard Title: **ASSOCIATE DEAN**

**ACADEMIC/RESEARCH POSITION EXEMPTION (36e(4))**

◆ ***General Function Statement***

The Associate Dean provides administrative support of a dean who is the chief executive officer of an academic unit engaged in instruction or research, or a major unit engaged in a programmatic aspect of the campus/university mission. Exercises independent judgment, and handles a highly diversified mixture of responsibilities in one or several specialized areas. May represent or assume authority for the unit in the absence of the dean.

◆ ***Organization Relationship***



◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Administrative affairs, such as evaluating, formulating, and implementing policy for allocation and utilization of resources; responsibility for facilities and space utilization, administering activities for recruiting and hiring faculty and staff; formulating fiscal policies, developing procedures and systems for budget review and expenditure control; advising and working with department or unit heads to establish and implement policies and procedures relating to the unit/campus/university; serving on campus-wide committees.
2. External affairs, such as coordinating and strengthening relationships with corporations, foundations, federal and state funding agencies, alumni, parents, the media, and the general public; acquiring external funds for facilities and major equipment; developing agreements with external institutions relating to academic and research programs.
3. Research and academic affairs, such as conceptualizing and developing long range and strategic plan; developing and evaluating the curriculum, overseeing accreditation and certification requirements; stimulating research; supervising collaborative education or research programs. May teach and/or pursue independent scholarly research.
4. Student services, coordinating recruitment, admission and retention programs, overseeing student support services and student life programs.

**Example 4.1a**

Standard Title: **ASSOCIATE DEPARTMENT HEAD/CHAIR**

**ACADEMIC/RESEARCH POSITION EXEMPTION (36e(4))**

◆ ***General Function Statement***

Provides primary support to a department head/chair, and may act for and assume full direction for an office or for administrative or operational matters in the absence of the department head/chair.

◆ ***Organization Relationship***

Department Head/Chair	Faculty
<b>Associate Department Head/Chair</b>	
Assistant Department Head/Chair	
Professional, Technical, and Clerical Support Staff	

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Serve as primary advisory to the department head/chair regarding overall programs, management and operations of the unit, with major program development, supervision and policy-making responsibility.
2. Assist with the management of resources, determination of staff functions, and setting operating policies for the unit. Review and initiate programs and operations that commit office resources, establish policies relating to utilization of office resources.
3. Coordinate and facilitate organizational, financial, programming, and physical planning.
4. Exercise direct authority for development and administration of programs and special projects.
5. May directly supervise sections or divisions of the unit, with responsibility for setting and implementing operational policies and procedures for handling daily administrative matters, such as finances, facilities, and staffing.
6. Provide authoritative, detailed professional and technical knowledge in a relevant field of expertise.
7. Coordinate with unit sections or divisions to develop policy recommendations for the department head/chair.
8. Act as liaison to campus and university departments and represent the department head/chair on committees.
9. May have primary responsibility for day to day operations of the unit.

**Example 4.1a**

Standard Title: **DEAN**

**ACADEMIC/RESEARCH POSITION EXEMPTION (36e(4))**

◆ ***General Function Statement***

The Dean functions as the chief executive officer of a major unit engaged in programmatic aspect of the Campus/University mission. Responsible for administration and execution of the unit's policies.

◆ ***Organization Relationship***

Chancellor/President  
Provost or Vice Chancellor/President  
**Dean**  
Associate and Assistant Deans

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Provide leadership, direction, and overall administration for the development, coordination, and implementation of programs, activities, and professional services.
2. Formulate, initiate, implement, and interpret policies relating to the operation of the units.
3. Establish goals and objectives for the units reporting to the Dean's Office.
4. Responsible for planning, evaluation, staffing, and resource allocation for all units reporting to the Dean's Office.
5. Communicate with and serve as a resource to colleges, departments, campus offices, community organizations, regarding services and issues.
6. Serve on committees as assigned.

**Example 4.1a**

Standard Title: **DEPARTMENT HEAD/CHAIR**

**ACADEMIC/RESEARCH POSITION EXEMPTION (36e(4))**

◆ ***General Function Statement***

Responsible for the administration and execution of policies of a department or unit engaged in a programmatic aspect of the campus/university mission.

◆ ***Organization Relationship***

Chancellor/President  
Provost or Vice Chancellor/President  
Dean  
Associate and Assistant Deans  
**Department Head/Chair**

◆ ***Request for Exemption under Criterion:***

◆ ***Typical Responsibilities***

1. Provide leadership, direction, and overall administration for the development, coordination, and implementation of programs, activities, and professional services.
2. Formulate, initiate, implement, and interpret policies relating to the operation of the units.
3. Establish goals and objectives for the department/unit.
4. Direct the staffing by overseeing recruitment, training, and management of work assigned to professional and support staff.
5. Oversee financial aspects of unit management, including control of the budget and allocation of resources.
6. Interface with advisory committees, serve on campus or University committees, communicate and consult with other offices or campus officials when appropriate.

Form 7.1a

# Quarterly Employee Change Report Civil Service to PAA

Name of Institution: \_\_\_\_\_ Date: \_\_\_\_\_

Person Completing Report: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

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***Please complete for each Civil Service employee who has taken a PAA position.***

\*Employee's Name: \_\_\_\_\_  
(See Note below.)

Date of Change: \_\_\_\_\_

Previous Civil  
Service Classification: \_\_\_\_\_

\*Department/Unit: \_\_\_\_\_  
(See Note below.)

Exemption Title: \_\_\_\_\_

Exemption Category: \_\_\_\_\_

\*Department/Unit: \_\_\_\_\_  
(See Note below.)

Please describe the reason for change, i.e., fill new position, promotion, etc.

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Was the "old" Civil Service position filled? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If Yes: Employee Name \_\_\_\_\_ Start Date: \_\_\_\_\_

If the "old" Civil Service position was not filled, please explain status of the position (position canceled, downgraded to lower classification, etc.).

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Signature of Designated Employer Representative: \_\_\_\_\_



## Form 7.1b

**QUARTERLY REPORT OF EXEMPT EMPLOYEES (Totals)**

Employer: \_\_\_\_\_

For Quarter Ending:      3/31      6/30      9/30      12/31  
(Circle Quarter)

<u>Position Standard Titles</u>	<u>Total Number of Employees</u>	<u>Number Non-State Funded</u>
1 Assistant To <del>Director</del>	_____	_____
2 <del>Executive Assistant To</del> Assistant Director President/Chancellor	_____	_____
3 <del>Executive Director</del> Associate Director	_____	_____
4 Director	_____	_____
5 <del>Associate Director</del> Executive Assistant To	_____	_____
6 Assistant Director	_____	_____
7 6 Physician	_____	_____
Attorney	_____	_____
Engineer	_____	_____
Architect	_____	_____
8 Coordinator	_____	_____
9 Specialist	_____	_____
<u>Other Exemption Categories</u>		
Total Number of Employees Exempt under 36e(2)	_____	_____
Total Number of Employees Exempt under 36e(4)	_____	_____
Total Number of Employees Exempt under 36e(5)	_____	_____
Grand Total	_____	_____

**CERTIFICATION**

This is to certify that the above employer has implemented and is conducting a cyclic review program for exempt employees wherein all exempt jobs are reviewed for currency of job content and title no less often than once every three years.

Submitted by: \_\_\_\_\_  
(Designated Employer Representative)

Date: \_\_\_\_\_

## Pilot Program Classification Combinations

<b>Information Technology Manager/Administrative Coordinator</b>
<i>Associate Director</i>
<i>Director</i>
<i>Assistant Manager</i>
<i>Manager</i>
<i>Network Specialist Coordinator/University Network Coordinator</i>
<i>Administrative Coordinator for User Services</i>
<b>Information Technology Technical Associate</b>
<i>Applications Programmer I, II, III, Analyst, Senior Analyst</i>
<i>Network Engineer I, II, III, IV, V</i>
<i>Procedures &amp; Systems Analyst I, II, III</i>
<i>Scientific Computer Programmer I, II, III</i>
<i>Systems Programmer I, II, III</i>
<i>Web Specialist I, II, III, Webmaster</i>
<i>Computer Programmer I, II, III, IV</i>
<i>LAN Support Specialist I, II, Administrator</i>
<i>Systems Administrator I, II, III, IV</i>
<i>Communications Network Specialist I, II, III</i>
<i>Network Specialist I, II</i>

<b>Information Technology Support Associate</b>
<i>Communications Services Specialist I, II, III</i>
<i>Computer Laboratory Coordinator</i>
<i>Computer Systems and Operations Specialist I, II, III, IV</i>
<i>Data Processing Equipment Technician I, II, III, Supervisor</i>
<i>Microcomputer Support Specialist I, II, III</i>
<i>Operations Support Service Specialist I, II, III, IV</i>
<i>Technical Support Specialist</i>
<i>Digital Computer Operator I, II, III, Supervisor</i>
Please Note - Within a given classification series, upper level positions should be reviewed for potential consolidation into the IT Manager/Administrative Coordinator.
<b>Business/Administrative Associate</b>
Elements of the Business Manager Series, Administrative Assistant Series, Administrative Aide, Program Administrative Assistant and similar classifications were used to develop this specification.
<b>Accounting Associate</b>
Elements of the Accountant Series and similar classifications were used to develop this specification.
<b>Human Resource Associate</b>
Elements of the Human Resources Series, Labor Relations Series and similar classifications were used to develop this specification.

### **Pilot Program Incumbent Statistical Review**

CLASSIFICATION	Jan. 04	Jan. 05	Jan. 06	Jan. 07	Jan. 08	Jan. 09	Jan 10	Jan 11 (fall 2010 survey)
ACCOUNTING ASSOCIATE	2	6	7	11	12	16	18	23
BUSINESS/ADMINISTRATIVE ASSOCIATE	27	44	49	62	79	89	88	110
HUMAN RESOURCE ASSOCIATE	6	8	9	10	15	18	21	18
INFO TECH MGR/ADMIN CORD	1	6	29	38	41	49	47	52
INFO TECH TECHNICAL ASSOCIATE	N/A	2	19	85	97	143	169	182
INFO TECH SUPPORT ASSOCIATE	N/A	6	19	36	67	94	118	152
<b>TOTAL</b>	<b>36</b>	<b>72</b>	<b>132</b>	<b>242</b>	<b>311</b>	<b>409</b>	<b>461</b>	<b>537</b>

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Section 5 – Student Appointment Exemptions

*Reference section 36e(5) of the Act (110 ILCS 70/36(e)5))  
and  
section 250.70(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.70(f))*

**5.1 STUDENT APPOINTMENTS**

Student Appointments are typically part-time, non-status appointments and considered exempt from Civil Service Regulations. To be eligible for a Student Appointment, a student must be enrolled for at least one-half of the normal workload of a regularly enrolled full-time student at an institution served by the University System, unless an exception is approved by the Executive Director prior to the appointment start date. Requests for exceptions shall fully explain the reasons for the request, such as graduating senior with only a limited number of hours remaining to meet graduation requirements, hardship, outside responsibilities, or other similar justification. A Request for Student Appointment Exception form shall be completed and sent to the University System Office for approval. *See Form 5.1a.*

***Please refer to the section 250.70(f) of the Illinois Administrative Code (80 Ill. Adm. Code §250.70(f)) for additional guidelines related to Student Appointments.***

Section 8 – Other Related Actions

*(Reference section 36e of the Act (110 ILCS 70/36e))*

**8.1 TEMPORARY ASSIGNMENT OF CIVIL SERVICE EMPLOYEE TO A CIVIL SERVICE EXEMPT POSITION**

This procedure is to be used when a Civil Service employee is temporarily assigned to a civil service exempt position or temporarily assigned additional duties commonly associated with a civil service exempt position in addition to those regularly assigned through their Civil Service classification. The exemption assignment or additional duties may be performed on a temporary or emergent basis, including but not limited to, occasions when there is a search conducted to fill the exempt position or when an exempt employee is on an extended medical or personal leave.

Employees temporarily assigned or accepting the additional duties associated with a civil service exempt position may receive additional compensation while serving in this capacity and will maintain their current classification status, as if they had remained in their current Civil Service classification during the entire temporary exempt assignment timeframe. Employees will therefore continue to accrue seniority in their current Civil Service classification and, at a minimum, retain their current compensation level while on temporary assignment to a civil service exempt position and/or while performing the exempt duties.

## SUBTITLE A

**Section 250.30 The Classification Plan**

- a) Coverage. The classification plan shall include all classes, as approved, and from time to time amended, by the Merit Board, except those exempted by Section 36e of the Statute. ~~Exemptions under Section 36e(3) of the Statute shall be by position. When approved by the Merit Board, a position shall remain exempt until such exemption is terminated by the Merit Board. The Director shall publish guidelines for such exemptions, as approved by the Merit Board.~~ This classification plan shall apply to all positions subject to Section 250.20(a).

b) Exemptions.

- 1) The Executive Director shall publish guidelines, as approved by the Merit Board, for exemptions identified in Section 36e of the Statute.
- 2) Each position exempt under Section 36e(3) of the Statute shall be reviewed and approved by the Merit Board, or as designated by the Merit Board to the Executive Director. Exemption authority in this respect lies solely with the Merit Board, or as designated by the Merit Board to the Executive Director. When approved by the Merit Board, a position exempt under 36e(3) of the Statute shall remain exempt until such exemption is terminated by the Merit Board.

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c) Class Specifications.

- 1) The University System shall maintain written specifications, as approved by the Merit Board, for each class in the classification plan. Such specifications shall include the class title, function of position, characteristic duties and responsibilities, minimum acceptable qualifications, including any special licenses or certificates required by state or federal laws, and additional desirable qualifications.
- 2) The employer shall post notice of the addition of a new class or of the reactivation of a former class, together with a copy of the class specification, at each appropriate place of employment for a period of at least ten calendar days prior to the date a position of the new, or of the reactivated, class is filled, except that for status employees affected by reclassification or reallocation of their positions, as provided in Section 250.30(f)(1) and 250.30(f)(2), this Section does not apply. The notice of the addition of a new class or of the reactivation of a former class, as provided for in this Section, shall be posted in all public places allocated for Civil Service employment information.

- ~~d)~~ e) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title shall be used on all personnel records and transactions. A functional title may also be given to a position by the employer, but such functional title cannot be a title approved by the Merit Board as a Civil Service class title.

## SUBTITLE A

~~e)d~~ Allocation of New Positions. When a new position is established, the employer shall recommend in writing to the Executive Director its allocation to an appropriate class, and the Executive Director shall act upon such recommendations.

~~f)e~~ Reallocation or Reclassification of Existing Positions.

- 1) A request to reallocate or reclassify any existing position may originate with the employee and/or the employer. When material changes occur in the duties and responsibilities of a position, the employer shall recommend to the Executive Director in writing the reallocation or reclassification of the position to its appropriate class, and the Executive Director shall review the request, shall act upon it, and shall notify the employer of his/her action.
- 2) A position may be abolished, the class of a position may be changed, or a new class specification may be prepared, provided that no such change shall be made for the purpose of separating an employee from employment in a position in their his-class.
- 3) In order to maintain a sound classification program, the employers, working with the staff of the University System office, shall carry on continuous classification studies.

~~g)f~~ Status of an Employee Whose Position is Reallocated or Reclassified.

- 1) An employee, whose position is reallocated or reclassified, shall be eligible for continued employment in the position which is reallocated or reclassified, provided the employee he-establishes eligibility for such a new class. The employee He-may establish eligibility by meeting the minimum qualifications for the new class to which the position has been reallocated or reclassified, and by passing an examination for the new class. The employee He-must complete a probationary period in the position in the new class.
- 2) A status employee in a position which is reallocated or reclassified, who chooses not to qualify for, or who fails to gain eligibility for, the new class, shall have his/her name placed by the employer on the reemployment register for the former class in accordance with Section 250.60(b)(1).
- 3) An employee, serving a probationary period in a position which is reallocated or reclassified, who fails to gain eligibility for the new class, and for whom no vacant position exists in the class from which the his-position has been reallocated or reclassified, shall have their his-name placed by the employer on the register from which they were he was-certified to a position in the former class in accordance with Section 250.60(b)(2) or Section 250.60(b)(3). If the employee he-has completed a probationary period in a position in a lower class in the same promotional line as that of their his-former position, the employee's his-name shall be placed by the employer on the reemployment register of the lower class in accordance with Section 250.60(b)(1).



**Bill Status of SB1150** 97th General Assembly

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**Short Description:** STATE UNIVERSITIES MERIT BOARD**Senate Sponsors**Sen. John M. Sullivan, Martin A. Sandoval and John G. Mulroe**House Sponsors**(Rep. Patrick J. Verschoore )**Last Action**

Date	Chamber	Action
4/27/2011	House	Assigned to Executive Committee

**Statutes Amended In Order of Appearance**820 ILCS 230/0.01

from Ch. 48, par. 97.9

**Synopsis As Introduced**

Amends the Employee Washroom Act. Makes a technical change in a Section concerning the short title.

**Senate Floor Amendment No. 1***Deletes reference to:*820 ILCS 230/0.01*Adds reference to:*110 ILCS 70/36d

from Ch. 24 1/2, par. 38b3

110 ILCS 70/36e

from Ch. 24 1/2, par. 38b4

110 ILCS 70/36g

from Ch. 24 1/2, par. 38b6

110 ILCS 70/36h

from Ch. 24 1/2, par. 38b7

110 ILCS 70/36j

from Ch. 24 1/2, par. 38b9

110 ILCS 70/36o

from Ch. 24 1/2, par. 38b14

110 ILCS 70/36t new

Replaces everything after the enacting clause. Amends the State Universities Civil Service Act. Changes references from "Director" to "Executive Director" of the University Civil Service Merit Board. With respect to principal administrative employee positions exempted from the State Universities Civil Service System, provides that the positions must be approved by the Merit Board (instead of as determined by the Merit Board). Provides that no position may be exempt unless the exemption has been reviewed and approved by the Merit Board or by the Executive Director as delegated by the Merit Board. Provides that the authority to exempt lies solely with the Merit Board or the Executive Director as delegated by the Merit Board, and such authority shall not be extended to any other employing institution or agency. Provides that adequate advance notice of the intent to propose an exemption must be provided to impacted employees and any labor organization with exclusive bargaining rights for that position and posted in all public places allocated for civil service employment information. Provides that the Merit Board and any committees and subdivisions thereof shall be subject to all provisions of the Open Meetings Act. Provides that the Merit Board is a "public body" within the meaning of that term as set forth in the Open Meetings Act. Provides that the Merit Board and any committees and subdivisions thereof shall be subject to all provisions of the State Records Act. Provides that the Merit Board is an "agency" within the meaning of that term as set forth in the

State Records Act. Provides that notwithstanding any provision of law to the contrary, any authority granted to the Merit Board to make and publish rules is strictly limited to the requirements of the Illinois Administrative Procedure Act, and no authority for the Merit Board to make and publish rules exists outside of the requirements of the Illinois Administrative Procedure Act. Provides that the Merit Board is an "agency" within the meaning of that term as set forth in the Illinois Administrative Procedure Act.

**Actions**

Date	Chamber	Action
2/8/2011	Senate	Filed with Secretary by <u>Sen. John J. Cullerton</u>
<b>2/8/2011</b>	<b>Senate</b>	<b>First Reading</b>
2/8/2011	Senate	Referred to <u>Assignments</u>
3/9/2011	Senate	Assigned to <u>Executive</u>
3/17/2011	Senate	Do Pass <u>Executive</u> ; 015-000-000
3/17/2011	Senate	Placed on Calendar Order of 2nd Reading March 17, 2011
<b>3/17/2011</b>	<b>Senate</b>	<b>Second Reading</b>
3/17/2011	Senate	Placed on Calendar Order of 3rd Reading March 29, 2011
4/8/2011	Senate	Senate Floor Amendment No. 1 Filed with Secretary by <u>Sen. John M. Sullivan</u>
4/8/2011	Senate	Senate Floor Amendment No. 1 Referred to <u>Assignments</u>
4/8/2011	Senate	Chief Sponsor Changed to <u>Sen. John M. Sullivan</u>
4/11/2011	Senate	Senate Floor Amendment No. 1 <u>Assignments</u> Refers to <u>Labor</u>
4/12/2011	Senate	Senate Floor Amendment No. 1 Recommend Do Adopt <u>Labor</u> ; 006-004-000
4/15/2011	Senate	Added as Co-Sponsor <u>Sen. Martin A. Sandoval</u>
4/15/2011	Senate	Recalled to Second Reading
4/15/2011	Senate	Senate Floor Amendment No. 1 Adopted; Sullivan
4/15/2011	Senate	Placed on Calendar Order of 3rd Reading
4/15/2011	Senate	Added as Co-Sponsor <u>Sen. John G. Mulroe</u>
<b>4/15/2011</b>	<b>Senate</b>	<b>Third Reading - Passed; 034-018-000</b>
4/15/2011	House	Arrived in House
4/25/2011	House	Placed on Calendar Order of First Reading
4/25/2011	House	Chief House Sponsor <u>Rep. Patrick J. Verschoore</u>
<b>4/26/2011</b>	<b>House</b>	<b>First Reading</b>
4/26/2011	House	Referred to <u>Rules Committee</u>
<b>4/27/2011</b>	<b>House</b>	<b>Assigned to Executive Committee</b>

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Sen. John M. Sullivan

Filed: 4/8/2011

09700SB1150sam001

LRB097 04872 NHT 54130 a

1 AMENDMENT TO SENATE BILL 1150

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1150 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Universities Civil Service Act is  
5 amended by changing Sections 36d, 36e, 36g, 36h, 36j, and 36o  
6 and by adding Section 36t as follows:

7 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

8 Sec. 36d. Powers and duties of the Merit Board.

9 The Merit Board shall have the power and duty-

10 (1) To approve a classification plan prepared under its  
11 direction, assigning to each class positions of substantially  
12 similar duties. The Merit Board shall have power to delegate to  
13 its Executive Director the duty of assigning each position in  
14 the classified service to the appropriate class in the  
15 classification plan approved by the Merit Board.

16 (2) To prescribe the duties of each class of positions and

1 the qualifications required by employment in that class.

2 (3) To prescribe the range of compensation for each class  
3 or to fix a single rate of compensation for employees in a  
4 particular class; and to establish other conditions of  
5 employment which an employer and employee representatives have  
6 agreed upon as fair and equitable. The Merit Board shall direct  
7 the payment of the "prevailing rate of wages" in those  
8 classifications in which, on January 1, 1952, any employer is  
9 paying such prevailing rate and in such other classes as the  
10 Merit Board may thereafter determine. "Prevailing rate of  
11 wages" as used herein shall be the wages paid generally in the  
12 locality in which the work is being performed to employees  
13 engaged in work of a similar character. Each employer covered  
14 by the University System shall be authorized to negotiate with  
15 representatives of employees to determine appropriate ranges  
16 or rates of compensation or other conditions of employment and  
17 may recommend to the Merit Board for establishment the rates or  
18 ranges or other conditions of employment which the employer and  
19 employee representatives have agreed upon as fair and  
20 equitable. Any rates or ranges established prior to January 1,  
21 1952, and hereafter, shall not be changed except in accordance  
22 with the procedures herein provided.

23 (4) To recommend to the institutions and agencies specified  
24 in Section 36e standards for hours of work, holidays, sick  
25 leave, overtime compensation and vacation for the purpose of  
26 improving conditions of employment covered therein and for the

1 purpose of insuring conformity with the prevailing rate  
2 principal.

3 (5) To prescribe standards of examination for each class,  
4 the examinations to be related to the duties of such class. The  
5 Merit Board shall have power to delegate to the Executive  
6 Director and his staff the preparation, conduct and grading of  
7 examinations. Examinations may be written, oral, by statement  
8 of training and experience, in the form of tests of knowledge,  
9 skill, capacity, intellect, aptitude; or, by any other method,  
10 which in the judgment of the Merit Board is reasonable and  
11 practical for any particular classification. Different  
12 examining procedures may be determined for the examinations in  
13 different classifications but all examinations in the same  
14 classification shall be uniform.

15 (6) To authorize the continuous recruitment of personnel  
16 and to that end, to delegate to the Executive Director and his  
17 staff the power and the duty to conduct open and continuous  
18 competitive examinations for all classifications of  
19 employment.

20 (7) To cause to be established from the results of  
21 examinations registers for each class of positions in the  
22 classified service of the State Universities Civil Service  
23 System, of the persons who shall attain the minimum mark fixed  
24 by the Merit Board for the examination; and such persons shall  
25 take rank upon the registers as candidates in the order of  
26 their relative excellence as determined by examination,

1 without reference to priority of time of examination.

2 (8) To provide by its rules for promotions in the  
3 classified service. Vacancies shall be filled by promotion  
4 whenever practicable. For the purpose of this paragraph, an  
5 advancement in class shall constitute a promotion.

6 (9) To set a probationary period of employment of no less  
7 than 6 months and no longer than 12 months for each class of  
8 positions in the classification plan, the length of the  
9 probationary period for each class to be determined by the  
10 Director.

11 (10) To provide by its rules for employment at regular  
12 rates of compensation of physically handicapped persons in  
13 positions in which the handicap does not prevent the individual  
14 from furnishing satisfactory service.

15 (11) To make and publish rules, to carry out the purpose of  
16 the State Universities Civil Service System and for  
17 examination, appointments, transfers and removals and for  
18 maintaining and keeping records of the efficiency of officers  
19 and employees and groups of officers and employees in  
20 accordance with the provisions of Sections 36b to 36q,  
21 inclusive, and said Merit Board may from time to time make  
22 changes in such rules.

23 (12) To appoint a Executive Director and such assistants  
24 and other clerical and technical help as may be necessary  
25 efficiently to administer Sections 36b to 36q, inclusive. To  
26 authorize the Director to appoint an assistant resident at the

1 place of employment of each employer specified in Section 36e  
2 and this assistant may be authorized to give examinations and  
3 to certify names from the regional registers provided in  
4 Section 36k.

5 (13) To submit to the Governor of this state on or before  
6 November 1 of each year prior to the regular session of the  
7 General Assembly a report of the University System's business  
8 and an estimate of the amount of appropriation from state funds  
9 required for the purpose of administering the University  
10 System.

11 (Source: P.A. 82-524.)

12 (110 ILCS 70/36e) (from Ch. 24 1/2, par. 38b4)

13 Sec. 36e. Coverage. All employees of the Illinois Community  
14 College Board, State Community College of East St. Louis  
15 (abolished under Section 2-12.1 of the Public Community College  
16 Act), Southern Illinois University, Chicago State University,  
17 Eastern Illinois University, Governors State University,  
18 Illinois State University, Northeastern Illinois University,  
19 Northern Illinois University, Western Illinois University,  
20 University of Illinois, State Universities Civil Service  
21 System, State Universities Retirement System, the State  
22 Scholarship Commission, and the Board of Higher Education,  
23 shall be covered by the University System described in Sections  
24 36b to 36q, inclusive, of this Act, except the following  
25 persons:

1           (1) the ~~The~~ members and officers of the Merit Board and  
2           the board of trustees, and the commissioners of the  
3           institutions and agencies covered hereunder;

4           (2) the ~~The~~ presidents and vice-presidents of each  
5           educational institution;

6           (3) other ~~Other~~ principal administrative employees of  
7           each institution and agency approved ~~as determined~~ by the  
8           Merit Board;

9           (4) the ~~The~~ teaching, research and extension faculties  
10          of each institution and agency; and

11          (5) students ~~Students~~ employed under rules prescribed  
12          by the Merit Board, without examination or certification.

13          Notwithstanding the other provisions of this Section, all  
14          of the following apply:

15                (A) No position may be exempt under this Section unless  
16                the exemption has been reviewed and approved by the Merit  
17                Board or by the Executive Director as delegated by the  
18                Merit Board.

19                (B) The authority to exempt lies solely with the Merit  
20                Board or the Executive Director as delegated by the Merit  
21                Board, and such authority shall not be extended to any  
22                other employing institution or agency.

23                (C) Adequate advance notice of the intent to propose an  
24                exemption must be provided to impacted employees and any  
25                labor organization with exclusive bargaining rights for  
26                that position and posted in all public places allocated for



1        civil service employment information.

2        (Source: P.A. 89-4, eff. 1-1-96; revised 9-16-10.)

3            (110 ILCS 70/36g) (from Ch. 24 1/2, par. 38b6)

4        Sec. 36g. For the granting of appropriate preference in  
5        entrance examinations to qualified persons who have been  
6        members of the armed forces of the United States or to  
7        qualified persons who, while citizens of the United States,  
8        were members of the armed forces of allies of the United States  
9        in time of hostilities with a foreign country, and to certain  
10       other persons as set forth in this Section.

11        (a) As used in this Section:

12            (1) "Time of hostilities with a foreign country" means  
13        any period of time in the past, present, or future during  
14        which a declaration of war by the United States Congress  
15        has been or is in effect or during which an emergency  
16        condition has been or is in effect that is recognized by  
17        the issuance of a Presidential proclamation or a  
18        Presidential executive order and in which the armed forces  
19        expeditionary medal or other campaign service medals are  
20        awarded according to Presidential executive order.

21            (2) "Armed forces of the United States" means the  
22        United States Army, Navy, Air Force, Marine Corps, Coast  
23        Guard. Service in the Merchant Marine that constitutes  
24        active duty under Section 401 of federal Public Law 95-202  
25        shall also be considered service in the Armed Forces of the

1 United States for purposes of this Section.

2 (b) The preference granted under this Section shall be in  
3 the form of points added to the final grades of the persons if  
4 they otherwise qualify and are entitled to appear on the list  
5 of those eligible for appointments.

6 (c) A veteran is qualified for a preference of 10 points if  
7 the veteran currently holds proof of a service connected  
8 disability from the United States Department of Veterans  
9 Affairs or an allied country or if the veteran is a recipient  
10 of the Purple Heart.

11 (d) A veteran who has served during a time of hostilities  
12 with a foreign country is qualified for a preference of 5  
13 points if the veteran served under one or more of the following  
14 conditions:

15 (1) The veteran served a total of at least 6 months, or

16 (2) The veteran served for the duration of hostilities  
17 regardless of the length of engagement, or

18 (3) The veteran was discharged on the basis of  
19 hardship, or

20 (4) The veteran was released from active duty because  
21 of a service connected disability and was discharged under  
22 honorable conditions.

23 (e) A person not eligible for a preference under subsection  
24 (c) or (d) is qualified for a preference of 3 points if the  
25 person has served in the armed forces of the United States, the  
26 Illinois National Guard, or any reserve component of the armed

1 forces of the United States and the person: (1) served for at  
2 least 6 months and has been discharged under honorable  
3 conditions or (2) has been discharged on the ground of hardship  
4 or (3) was released from active duty because of a service  
5 connected disability. An active member of the National Guard or  
6 a reserve component of the armed forces of the United States is  
7 eligible for the preference if the member meets the service  
8 requirements of this subsection (e).

9 (f) The rank order of persons entitled to a preference on  
10 eligible lists shall be determined on the basis of their  
11 augmented ratings. When the Executive Director establishes  
12 eligible lists on the basis of category ratings such as  
13 "superior", "excellent", "well-qualified", and "qualified",  
14 the veteran eligibles in each such category shall be preferred  
15 for appointment before the non-veteran eligibles in the same  
16 category.

17 (g) Employees in positions covered by this Act who, while  
18 in good standing, leave to engage in military service during a  
19 period of hostility, shall be given credit for seniority  
20 purposes for time served in the armed forces.

21 (h) A surviving unremarried spouse of a veteran who  
22 suffered a service connected death or the spouse of a veteran  
23 who suffered a service connected disability that prevents the  
24 veteran from qualifying for civil service employment shall be  
25 entitled to the same preference to which the veteran would have  
26 been entitled under this Section.

1 (i) A preference shall also be given to the following  
2 individuals: 10 points for one parent of an unmarried veteran  
3 who suffered a service connected death or a service connected  
4 disability that prevents the veteran from qualifying for civil  
5 service employment. The first parent to receive a civil service  
6 appointment shall be the parent entitled to the preference.

7 (Source: P.A. 87-796.)

8 (110 ILCS 70/36h) (from Ch. 24 1/2, par. 38b7)

9 Sec. 36h. Appointment.

10 (1) Whenever an employer covered by the University System  
11 has a position which needs to be filled, this employer shall  
12 inform the Executive Director of the Merit Board. The Director  
13 shall then certify to the employer the names and addresses of  
14 the three persons standing highest on the register for the  
15 classification to which the position is assigned. The employer  
16 shall select one of these persons certified for the position  
17 and shall notify the Executive Director of the Merit Board of  
18 his selection. If less than three names appear on the  
19 appropriate register, the Director shall certify the names and  
20 addresses of the person or persons on the register. Sex shall  
21 be disregarded except when the nature of the position requires  
22 otherwise.

23 (2) All appointments shall be for a probationary period of  
24 no less than 6 months and no longer than 12 months for each  
25 class of positions in the classification plan, the length of

1 the probationary period for each class having been determined  
2 by the Executive Director, except that persons first appointed  
3 to any police department of any university or college covered  
4 by the University System after the effective date of this  
5 amendatory Act of 1979, shall be on probation for 1 year. The  
6 service during the probationary period shall be deemed to be a  
7 part of the examination. During the probationary period, the  
8 employee may be dismissed if the employer determines that the  
9 employee has failed to demonstrate the ability and the  
10 qualifications necessary to furnish satisfactory service. The  
11 employer shall notify the Executive Director in writing of such  
12 dismissal. If an employee is not so dismissed during his  
13 probationary period his appointment shall be deemed complete at  
14 the end of the period.

15 (3) No person shall be appointed to any police department  
16 of any university or college covered by the University System  
17 unless he possesses a high school diploma or an equivalent high  
18 school education, and unless he is a person of good character  
19 and is not a person who has been convicted of a felony or a  
20 crime involving moral turpitude.

21 (Source: P.A. 86-708.)

22 (110 ILCS 70/36j) (from Ch. 24 1/2, par. 38b9)

23 Sec. 36j. Promotions. The Merit Board shall by rules  
24 provide for promotions on the basis of ability and experience  
25 and seniority in service and examination and to provide in all

1 cases where it is practicable that vacancies will be filled by  
2 promotion. The Merit Board shall by rule fix lines of promotion  
3 from such several offices and places to superior offices or  
4 places in all cases where, in the judgment of the Merit Board,  
5 the duties of such several positions directly tend to fit the  
6 incumbent for a superior position.

7 Employees promoted in the promotional line shall have their  
8 seniority for the highest position held on the basis of length  
9 of service in that classification. For the next lower  
10 classification the employee may add his seniority in the higher  
11 classification to that in the lower to determine seniority in  
12 the lower classification.

13 Whenever a superior position in the promotional line in the  
14 classified civil service under the University System is to be  
15 filled, the Director shall certify to the employer, in the  
16 order of their seniority, the names and addresses of the three  
17 persons standing highest upon the promotional register for the  
18 class or grade to which said position belongs. The employer  
19 shall appoint one of the three persons whose names were  
20 certified by the Executive Director. Sex shall be disregarded  
21 except when the nature of the position requires otherwise.  
22 Appointments to superior positions in the promotional line  
23 shall be on probation for a period of no less than 6 months and  
24 no longer than 12 months for each class of positions in the  
25 classification plan, the length of the probationary period  
26 having been determined by the Executive Director. Persons so

1 appointed may be demoted at any time during the period of  
2 probation, if, in the opinion of the employer, they have failed  
3 to demonstrate the ability and the qualifications necessary to  
4 furnish satisfactory service, but shall not be discharged from  
5 the superior position if they have previously completed a  
6 probationary period in an inferior position in the promotional  
7 line.

8 Whenever a person is promoted to a superior position in the  
9 promotional line prior to the completion of the probationary  
10 period in any one of the positions in the classified civil  
11 service under the University System, total service in the  
12 inferior position and in all such superior positions shall be  
13 combined to establish certified status and seniority in the  
14 inferior position.

15 (Source: P.A. 82-524.)

16 (110 ILCS 70/360) (from Ch. 24 1/2, par. 38b14)

17 Sec. 360. Demotion, removal, and discharge. After the  
18 completion of his or her probationary period, no employee shall  
19 be demoted, removed or discharged except for just cause, upon  
20 written charges, and after an opportunity to be heard in his or  
21 her own defense if he or she makes a written request for a  
22 hearing to the Merit Board within 15 days after the serving of  
23 the written charges upon him or her. Upon the filing of such a  
24 request for a hearing, the Merit Board shall grant such hearing  
25 to be held within 45 days from the date of the service of the

1 demotion, removal or discharge notice by a hearing board or  
2 hearing officer appointed by the Merit Board. The members of  
3 the hearing board or the hearing officer shall be selected from  
4 among the members of a panel established by the Merit Board  
5 after consultation with the Advisory Committee provided in  
6 Section 36c. The hearing board or hearing officer shall make  
7 and render findings of facts on the charges and transmit to the  
8 Merit Board a transcript of the evidence along with the hearing  
9 board's or hearing officer's findings of fact. The findings of  
10 the hearing board or hearing officer when approved by the Merit  
11 Board shall be certified to the employer. If cause for  
12 demotion, removal or discharge is found, the employee shall be  
13 immediately separated from the service. If cause is not found,  
14 the employee shall forthwith be reassigned to perform the  
15 duties of a position in his or her classification without loss  
16 of compensation. In the course of the hearing, the Executive  
17 Director of the Merit Board shall have power to administer  
18 oaths and to secure by subpoena the attendance and testimony of  
19 witnesses and the production of books and papers relevant to  
20 the inquiry.

21 The provisions of the Administrative Review Law and all  
22 amendments and modification thereof, and the rules adopted  
23 pursuant thereto, shall apply to and govern all proceedings for  
24 the judicial review of final administrative decisions of the  
25 Merit Board hereby created. The term "administrative decision"  
26 is defined as in Section 3-101 of the Code of Civil Procedure.



1 (Source: P.A. 95-113, eff. 8-13-07.)

2 (110 ILCS 70/36t new)

3 Sec. 36t. General provisions.

4 (a) Open Meetings Act. The Merit Board and any committees  
5 and subdivisions thereof shall be subject to all provisions of  
6 the Open Meetings Act. The Merit Board is a "public body"  
7 within the meaning of that term as set forth in the Open  
8 Meetings Act.

9 (b) State Records Act. The Merit Board and any committees  
10 and subdivisions thereof shall be subject to all provisions of  
11 the State Records Act. The Merit Board is an "agency" within  
12 the meaning of that term as set forth in the State Records Act.

13 (c) Illinois Administrative Procedure Act. Notwithstanding  
14 any provision of law to the contrary, any authority granted to  
15 the Merit Board to make and publish rules is strictly limited  
16 to the requirements of the Illinois Administrative Procedure  
17 Act, and no authority for the Merit Board to make and publish  
18 rules exists outside of the requirements of the Illinois  
19 Administrative Procedure Act. The Merit Board is an "agency"  
20 within the meaning of that term as set forth in the Illinois  
21 Administrative Procedure Act."



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CHAPTER 820. EMPLOYMENT  
WAGES AND HOURS  
ILLINOIS FRINGE BENEFIT PORTABILITY AND CONTINUITY ACT

**GO TO THE ILLINOIS STATUTES ARCHIVE DIRECTORY**

*820 ILCS 190/1 (2011)*

§ 820 ILCS 190/1. Short title

Sec. 1. Short title. This Act may be cited as the Illinois Fringe Benefit Portability and Continuity Act.

**HISTORY:** Source: P.A. 95-455, § 1.

**NOTES:**

**NOTE.**

*820 ILCS 190/97* contains a severability provision.

**EFFECTIVE DATE.**

Section 99 of P.A. 95-455 made this section effective upon becoming law. The Act was approved August 27, 2007.

119DKT

**Time of Request:** Wednesday, April 27, 2011 16:46:33 EST  
**Client ID/Project Name:** succs  
**Number of Lines:** 32  
**Job Number:** 2841:282627609

Research Information

**Service:** LEXSTAT(R) Feature  
**Print Request:** Current Document: 1  
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**Search Terms:** 820 ilcs 190/1

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CHAPTER 820. EMPLOYMENT  
WAGES AND HOURS  
ILLINOIS FRINGE BENEFIT PORTABILITY AND CONTINUITY ACT

**GO TO THE ILLINOIS STATUTES ARCHIVE DIRECTORY**

*820 ILCS 190/5 (2011)*

§ 820 ILCS 190/5. Public policy

Sec. 5. Public policy. It is the purpose of this Act that temporary or short-term employees employed by the State of Illinois and its political subdivisions or other public employers shall have continuity of health and welfare insurance, pension, and other fringe benefits for work performed for the State of Illinois, its political subdivisions, and other public employers, and that the State of Illinois and its political subdivisions and other public employers shall have the contractual authority to execute written agreements with employee benefit plans and labor organizations to ensure that temporary and short-term employees have continuity of health and welfare insurance, pension, and other fringe benefits for work performed for the State of Illinois and its political subdivisions or other public employers.

**HISTORY:** Source: P.A. 95-455, § 5.

119DKT

**Time of Request:** Wednesday, April 27, 2011 16:49:25 EST  
**Client ID/Project Name:** sucss  
**Number of Lines:** 33  
**Job Number:** 2841:282628493

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**Service:** LEXSTAT(R) Feature  
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**Source:** Get by LEXSTAT(R)  
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CHAPTER 820. EMPLOYMENT  
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*820 ILCS 190/10 (2011)*

§ 820 ILCS 190/10. Application

Sec. 10. Application. This Act applies to the State of Illinois and its political subdivisions and other public employers that employ temporary or short-term employees who are not covered by an employment contract or collective bargaining agreement but who are referred from labor organizations and are receiving a fringe benefit allowance directly and in the form of wages from the State of Illinois and its political subdivisions and other public employers.

**HISTORY:** Source: P.A. 95-455, § 10.

119DKT

**Time of Request:** Wednesday, April 27, 2011 16:50:08 EST  
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**Number of Lines:** 30  
**Job Number:** 1862:282629022

Research Information

**Service:** LEXSTAT(R) Feature  
**Print Request:** Current Document: 1  
**Source:** Get by LEXSTAT(R)  
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CHAPTER 820. EMPLOYMENT  
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ILLINOIS FRINGE BENEFIT PORTABILITY AND CONTINUITY ACT

**GO TO THE ILLINOIS STATUTES ARCHIVE DIRECTORY**

*820 ILCS 190/15 (2011)*

§ 820 ILCS 190/15. Definitions

Sec. 15. Definitions. As used in this Act, unless the context otherwise requires:

"Employee benefit plan" shall mean an employee benefit plan as defined under the Employee Retirement Income Security Act, 29 U.S.C. 1001, et seq.

"Temporary or short-term employee" shall mean an employee who is not covered by a collective bargaining agreement or an employment contract.

"Written agreement" shall mean a participation agreement or other agreement prescribed by the employee benefit plan or labor organization but shall not be construed as a collective bargaining agreement, except as permitted under the Illinois Public Labor Relations Act [5 ILCS 315/1 et seq.].

**HISTORY:** Source: P.A. 95-455, § 15.



119DKT

**Time of Request:** Wednesday, April 27, 2011 16:51:06 EST  
**Client ID/Project Name:** succs  
**Number of Lines:** 33  
**Job Number:** 2862:282629202

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CHAPTER 820. EMPLOYMENT  
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ILLINOIS FRINGE BENEFIT PORTABILITY AND CONTINUITY ACT

**GO TO THE ILLINOIS STATUTES ARCHIVE DIRECTORY**

*820 ILCS 190/20 (2011)*

§ 820 ILCS 190/20. Fringe benefit portability and continuity

Sec. 20. Fringe benefit portability and continuity. (a) If the State of Illinois, its political subdivisions, or other public employers procure short-term or temporary employees from a labor organization, then the State of Illinois, its political subdivisions, or other public employers shall enter into written agreements with employee benefit plans and labor organizations providing that the State of Illinois, its political subdivisions, or other public employers shall make an employer contribution of the benefit allowance of the applicable wage package to the applicable employee benefit plans for the temporary or short-term employees who are referred from labor organizations, provided that:

(1) The employee benefit plans are employee pension benefit plans or employee welfare benefit plans under the Employee Retirement Income Security Act [29 U.S.C. § 1241 et seq.].

(2) The referred employee, as a condition of referral to the State of Illinois and its political subdivisions or other public employers as a temporary or short-term employee, has entered into an agreement or authorization with a labor organization to have the fringe benefit allowance of the applicable wage rate remitted directly to an employee benefit plan.

(3) The fringe benefit allowance of the applicable wage package shall be an employer contribution and not an employee wage deduction.

(4) The State of Illinois and its political subdivisions and other public employers agree, in writing, to make contributions subject to the same rules and policies generally applicable to private employers who are making contributions to that employee benefit plan.

(b) The written agreement specified in subsection (a) shall not be construed as a collective bargaining agreement, contract for employment, or an agreement that otherwise guarantees the employment of the temporary or short-term employees used by the State of Illinois and its political subdivisions and other public employers. Nothing in this Act shall be construed to afford temporary or short-term employees the right to organize or collectively bargain pursuant to the Illinois Public Labor Relations Act [5 ILCS 315/1 et seq.], except as specifically provided by the provisions of that Act. Nothing in this Act shall be construed to afford temporary or short-term employees any benefit or the right to participate in any retirement system of the State of Illinois, except as specifically provided by the provisions of the Illinois Pension Code [40 ILCS 5/1-101 et seq.].

119DKT

**Time of Request:** Wednesday, April 27, 2011 16:51:38 EST  
**Client ID/Project Name:** sucss  
**Number of Lines:** 48  
**Job Number:** 2841:282629327

Research Information

**Service:** LEXSTAT(R) Feature  
**Print Request:** Current Document: 1  
**Source:** Get by LEXSTAT(R)  
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CHAPTER 820. EMPLOYMENT  
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**GO TO THE ILLINOIS STATUTES ARCHIVE DIRECTORY**

*820 ILCS 190/25 (2011)*

§ 820 ILCS 190/25. Construction of Act

Sec. 25. Construction of Act. This Act shall be liberally construed to effect the purposes of the Act. By virtue of this Act, the State of Illinois and its political subdivisions or other public employers shall not be considered to be maintaining or administering an employee benefit plan.

**HISTORY:** Source: P.A. 95-455, § 25.

119DKT

**Time of Request:** Wednesday, April 27, 2011 16:52:16 EST  
**Client ID/Project Name:** sucss  
**Number of Lines:** 29  
**Job Number:** 1862:282629496

Research Information

**Service:** LEXSTAT(R) Feature  
**Print Request:** Current Document: 1  
**Source:** Get by LEXSTAT(R)  
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CHAPTER 820. EMPLOYMENT  
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ILLINOIS FRINGE BENEFIT PORTABILITY AND CONTINUITY ACT

**GO TO THE ILLINOIS STATUTES ARCHIVE DIRECTORY**

*820 ILCS 190/97 (2011)*

§ 820 ILCS 190/97. Severability

Sec. 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

**HISTORY:** Source: P.A. 95-455, § 97.

119DKT

**Time of Request:** Wednesday, April 27, 2011 16:52:32 EST  
**Client ID/Project Name:** succss  
**Number of Lines:** 28  
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**Service:** LEXSTAT(R) Feature  
**Print Request:** Current Document: 1  
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CHAPTER 820. EMPLOYMENT  
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*820 ILCS 190/99 (2011)*

§ 820 ILCS 190/99. Effective date

Sec. 99. Effective date. This Act takes effect upon becoming law.

**HISTORY:** Source: P.A. 95-455, § 99.

**NOTES:**

**NOTE.**

P.A. 95-455 was approved August 27, 2007.



119DKT

**Time of Request:** Wednesday, April 27, 2011 16:53:27 EST  
**Client ID/Project Name:** succs  
**Number of Lines:** 30  
**Job Number:** 1862:282629778

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**Source:** Get by LEXSTAT(R)  
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